

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NATIONAL COUNCIL FOR ADOPTION,
BUILDING ARIZONA FAMILIES on behalf
of itself and its birth-parent clients, birth
parents D.V. and N.L., and baby boy T.W. by
and through his guardian ad litem PHILIP
(JAY) MCCARTHY, JR.,

Plaintiffs,

v.

SALLY JEWELL, in her official capacity as
Secretary of the United States Department of
the Interior, KEVIN WASHBURN, in his
official capacity as Assistant Secretary of
Indian Affairs, BUREAU OF INDIAN
AFFAIRS, and the UNITED STATES
DEPARTMENT OF THE INTERIOR,

Defendants.

Case No. 1:15-cv-00675

**PLAINTIFF NATIONAL COUNCIL FOR ADOPTION’S MOTION FOR SUMMARY
JUDGMENT ON APA CLAIM**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and this Court’s Local Civil Rule 56, Plaintiff National Council for Adoption (“NCFA”) respectfully moves for summary judgment holding unlawful and vacating the Guidelines for State Courts and Agencies in Indian Child Proceedings, 80 Fed. Reg. 10,146 (Feb. 25, 2015) (“2015 Guidelines”). There is no dispute as to any material fact, and NCFA is entitled to judgment as a matter of law. The grounds for this motion are set forth in NCFA’s Memorandum in Support of its Motion for Summary Judgment on its APA claim, which is incorporated herein, along with the Declaration

of Charles Johnson, attached Exhibit, and Proposed Order.

WHEREFORE, NCFA respectfully requests that this Court grant summary judgment in NCFA's favor holding unlawful and vacating the 2015 Guidelines.

Date: July 30, 2015

Respectfully submitted,

Jacob S. Siler

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CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of July, 2015, I will cause to be electronically filed the foregoing with the Clerk of the Court for the Eastern District of Virginia using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Date: July 30, 2015

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